

HUMAN SERVICES DEPARTMENT[441]

Notice of Intended Action

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code section 234.6, the Department of Human Services hereby gives Notice of Intended Action to amend Chapter 11, “Collection of Public Assistance Debts,” Iowa Administrative Code.

The Department must establish a claim when Supplemental Nutrition Assistance Program (SNAP) benefits are overpaid or trafficked. When collection of a claim is delinquent, the claim must be referred for recovery by the federal Treasury Offset Program (TOP). This amendment implements a change to Section 3716(c)(6) of Title 31, United States Code (U.S.C.), that shortens the time frame for referring delinquent claims to TOP. Under the revised time frames, claims must be referred to TOP if they are delinquent over 120 days, instead of if they are delinquent over 180 days.

Persons who owe a SNAP claim and are delinquent in making repayment will be referred to TOP sooner to withhold the debt from federal payments eligible for offset, such as income tax refunds.

Any interested person may make written comments on the proposed amendment on or before November 1, 2016. Comments should be directed to Harry Rossander, Bureau of Policy Coordination, Department of Human Services, Hoover State Office Building, Fifth Floor, 1305 East Walnut Street, Des Moines, Iowa 50319-0114. Comments may be sent by fax to (515)281-4980, or by e-mail to policyanalysis@dhs.state.ia.us.

These amendments do not provide for waivers in specified situations because requests for the waiver of any rule may be submitted under the Department’s general rule on exceptions at 441—1.8(17A,217).

After analysis and review of this rule making, no impact on jobs has been found.

This amendment is intended to implement Iowa Code section 234.6.

The following amendment is proposed.

Amend subparagraph **11.5(1)“a”(3)** as follows:

(3) Debtors are delinquent in repaying their food assistance debt if:

1. A repayment agreement has not been signed and ~~180~~ 120 days have elapsed since the due date of the demand letter as defined in 441—subrule 65.21(4) minus any days the claim was not subject to collection action because of an appeal.

2. A repayment agreement has been signed but the debtor has failed to make the agreed-upon payments and has failed to make up the missed payments. The debtor shall be referred to TOP when ~~180~~ 120 days have elapsed since the first of the month following the month that the debtor failed to make the agreed-upon payment and has not subsequently made up the missed payment.